



United States Coast Guard

Marine Inspection Office Europe



Lylantse Plein 1 Box 189
2908 LH Capelle a/d IJssel
The Netherlands
Phone: 31 (0) 10 442 4458
Fax: 31 (0) 10 450 4752
inspections@acteur.uscg.mil

MARINE SAFETY INFORMATION BULLETIN (MSIB) 03-04

June 30, 2004

U.S. COAST GUARD COMMENCES OPERATION PORT SHIELD

ROTTERDAM, The Netherlands - On July 1, 2004, under the International Ship and Port Facility Security Code (ISPS Code) and the U.S. Maritime Transportation Security Act (MTSA), a suite of international and U.S. maritime security requirements will take full effect. In order to focus efforts on the implementation and enforcement of these requirements, the Coast Guard started Operation Port Shield on June 15 and will continue this operation through July 1, 2005.

As part of Operation Port Shield, the U.S. Coast Guard will be checking the compliance of U.S. vessels and facilities and of foreign vessels calling on U.S. ports. Verifying the implementation of these new international and domestic requirements is one of many things that the Coast Guard units, worldwide, are doing to secure our ports. That said, we recognize that securing our ports and waterways is a team effort – everyone, from maritime industry to local governments and private citizens to the international community play an important role in ensuring that our waterways remain open for business. Further, we recognize understand the importance of finding the appropriate balance between security and the free flow of commerce and are working to achieve that balance.

The Coast Guard has also established the International Port Security Program (IPSP), which includes visiting other countries to exchange information regarding ISPS Code compliance and sharing best practices on maritime port security. International Port Security Liaison Officers will be assigned to strategic locations overseas and a traveling “visit” team will be based out of Coast Guard Headquarters. One such strategic location will be at USCG Activities/Marine Inspection Office Europe office in Rotterdam from which the liaison officers will work with 76 countries in Europe, Africa, and the Middle East on port security related issues.

The remainder of this MSIB addresses some of the frequently asked questions that we’ve recently received.

Enforcement of U.S. Maritime Transportation Security Act (MTSA) Requirements:

1. Who is in compliance with MTSA/ISPS requirements? Who is not?
 - a. As of June 16, 2004, the Coast Guard has received over 12,300 vessel and facility security plans. In addition, 164 owners and/or operators have received a notice of violation with civil penalties

Visit us on the World Wide Web at www.uscg.mil/d1/units/acteur/index.htm

and 15 have yet to submit a security plan. The Coast Guard is aggressively working with these entities through contact by phone and onsite visits to assist these operations to become compliant. Operations that are still non-compliant on July 1 may be shut down.

2. What are the fines and penalties for not complying?

a. The MTSA allows for civil penalties of up to \$25,000 per violation. In addition, the Coast Guard may require facility or vessel operators to implement additional security measures, limit the operations of the vessel or facility, or shut down the operations entirely.

3. What are the U.S. Coast Guard's plans to enforce the requirements of MTSA?

a. The Coast Guard will be strictly enforcing the requirements of the MTSA. The enforcement will be carried out by our Captains of the Ports, and coordinated through our chain of command. After reviewing and approving the security plans, the Coast Guard began in mid-May, to verify that U.S. vessels and facilities have implemented their security plans. In addition, verification exams for all U.S. flag vessels plying an international route will be completed by July 1st. Verification exams will be conducted on all domestic inspected vessels subject to MTSA at each scheduled annual inspection after July 1st. Verification exams of uninspected vessels subject to MTSA will be conducted, according to a risk-based prioritization, as soon as possible, but not later than Dec. 31, 2006. For facilities, the Coast Guard will ensure prior to Dec. 31, 2004, that security plans have been fully implemented.

5. What kind of delays are you expecting in the ports? What is the potential impact on trade?

a. While it is somewhat difficult to predict, we are expecting few, if any delays in the ports, with minimal impact to our trading partners. We have seen consistent increases in the numbers of vessels calling on the United States prior to July 1 that are indicating compliance with the international requirements.

6. What are the U.S. Coast Guard's plans to ensure that foreign vessels calling on U.S. ports are ISPS Code compliant?

a. The Coast Guard will board every arriving foreign-flagged vessel, most at the dock on its first visit to the United States on or after July 1, 2004, unless a verification examination to confirm implementation of ISPS Code requirements has already been completed. In certain instances, boarding of foreign-flagged vessels will occur at sea.

International Compliance & International Port Security Program:

1. What countries/ports are/are not in compliance with the ISPS requirements?

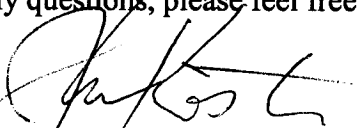
a. At this point, we don't know. All SOLAS countries are required to communicate information to the International Maritime Organization regarding the approval status of ports on their territory by July 1st. The Coast Guard has established the International Port Security Program to determine countries' compliance, and will be monitoring the IMO website to determine which countries have submitted information to IMO. The IPSP will also be visiting countries to review compliance and share security best practices.

2. What is the United States doing about those countries that are not in compliance?

a. The Coast Guard has instituted an active outreach program to encourage countries to comply with the ISPS Code. On July 1 and thereafter, vessels that arrive in the United States from ports in non-compliant countries will be subject to a series of graduated and increasingly severe port state control actions. Eventually, economic forces of the world marketplace will likely compel countries to comply.

3. How will the Coast Guard decide which countries to visit in which order?
 - a. The Coast Guard intends to visit all countries with ports from which vessels arrive in the United States and to which U.S. vessels visit. A methodology is in development that will prioritize the countries based on the amount of vessels and types of cargo involved, the country's history with compliance with other international instruments, internal conditions in the country, and intelligence information.
4. What is the United States doing about the countries that are not a part of the ISPS agreements (non-SOLAS countries)?
 - a. The Coast Guard has sent a letter to non-SOLAS countries informing them that it is our expectation that they will implement the measures called for in the ISPS Code, whether signatory to SOLAS or not. If a non-SOLAS country fails to provide the required information to the USCG, vessels that come to the U.S. from a port in that respective country will be subject to port state control actions, up to and including denial of entry to the U.S.

For additional information or if you have any questions, please feel free to contact me.



J. W. KOSTER
Commander, U.S. Coast Guard
Acting Officer in Charge, Marine Inspection